

FIRST REGULAR SESSION

# SENATE BILL NO. 58

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DOUGHERTY.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0328S.01I

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## AN ACT

To repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording fees.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 59.319, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.319, to read as follows:

59.319. 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest.

2. An additional fee of [three] **five** dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

a condition precedent to the recording of any instruments specified in subdivisions (1) and (2) of section 59.330. **Of the fees collected from this additional [three] five dollars per recorded instrument, four dollars and fifty cents shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. The remaining fifty cents collected pursuant to this subsection shall be deposited in the recorder's fund.**

**3. An additional fee of one dollar shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instruments specified in subdivisions (1) and (2) of section 59.330. The fees collected from this additional dollar per recorded instrument shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury.**

[3.] 4. The state treasurer and the commissioner of administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the general revenue fund shall be credited as follows: the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized for the purposes of sections [60.500] **60.510** to 60.610, RSMo; the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized by the secretary of state for additional preservation of local records; and the amount of [three] **four dollars and fifty cents** collected under subsection 2 of this section into the Missouri housing trust fund as designated in section 215.034, RSMo, **and the amount of one dollar collected pursuant to subsection 3 of this section into the lifetime home fund as established in section 215.264, RSMo.**